

## IN THE UNITED STATES RECEIVING OFFICE

Applicant : Keith Nugent et al.

Serial No. : 09/830,393

Filed : April 25, 2001

Title : PHASE DETERMINATION OF A RADIATION WAVE FIELD

**BOX PCT**

Commissioner for Patents

Washington, D.C. 20231

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**

Responsive to the Notification of Missing Requirements under 35 U.S.C. 371  
mailed June 1, 2001, Applicant as a large entity submits herewith the following:

- A Combined Declaration and Power of Attorney in compliance with 37 CFR §1.63;
- Payment of the surcharge of \$130 for late filing of the basic filing fee and/or declaration;
- A check in the total amount of \$130 is attached.

06/11/2001 LLAHDGRA 00000018 09830393

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**CERTIFICATE OF MAILING BY EXPRESS MAIL**

Express Mail Label No. EL228034044US

I hereby certify under 37 CFR §1.10 that this correspondence is being deposited with the United States Postal Service as Express Mail Post Office to Addressee with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

June 7, 2001

Date of Deposit

Samantha Bell

Signature

Samantha Bell

Typed or Printed Name of Person Signing Certificate

Applicant : Keith Nugent et al.  
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Page : 2

Attorney's Docket No.: 13113-002001 / FP14339

It is understood that this perfects the application and no additional papers or filing fees are required. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: June 7, 2001

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## UNITED STATES PATENT AND TRADEMARK OFFICE

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Washington, D.C. 20531  
[www.uspto.gov](http://www.uspto.gov)

|                      |                       |                  |
|----------------------|-----------------------|------------------|
| U.S. APPLICATION NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 09/830393            | NUGENT                | K 13113-002001   |

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JUN 06 2001

FISH & RICHARDSON, P.C.  
BOSTON OFFICE

INTERNATIONAL APPLICATION NO.

PCT/AU99/00949

|                  |               |
|------------------|---------------|
| I.A. FILING DATE | PRIORITY DATE |
| 01 NOV 99        | 02 SEP 98     |

DATE MAILED:

01 JUN 2001

## NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as  a Designated Office (37 CFR 1.494)  an Elected Office (37 CFR 1.495):

- U.S. Basic National Fee.  Indication of Small Entity Status.
- Copy of the international application.  Translation of the international application into English.
- Oath or Declaration of inventors(s).  Translation of Article 19 amendments into English.
- Copy of Article 19 amendments.  Other:
- Priority Document.
- The International Preliminary Examination Report in English and its Annexes, if any.
- Translation of Annexes to the International Preliminary Examination Report into English.

2.  Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

- U.S. Basic National Fee.  Copy of the international application.

3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

4. Additional claim fees of \$ \_\_\_\_\_ as a  large entity  small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

5.  Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

**ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.
7.  The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

***A copy of this notice **MUST** be returned with this response.***

Enclosed:  PCT/DO/EO/917  
 PTO-875

Notice of Defective Translation  
 PCT/DO/EO/920

Shakeel Ahmed

Telephone: 703-305-3659

|              |                  |
|--------------|------------------|
| Docketed By  | Practice Systems |
| Action Code: | (1.55) Requests  |
| Base Date:   | 0-1-0            |
| Due Date:    | 8-1-01           |
| Deadline:    | 10-1-01          |
| Initial:     | JMO              |

|             |                   |
|-------------|-------------------|
| Docketed By | Billing Secretary |
| Due Date:   | 8/1/01            |
| Deadline:   | 10/1/01           |
| Initials:   | JMO               |

WEB